

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AMY LEVENSON,

Plaintiff,

-against-

BARCLAYS PLC, BARCLAYS BANK PLC, and  
BARCLAYS CAPITAL INC.,

Defendants.  
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**ORDER REGULATING  
DISCOVERY**

07 Civ. 6656 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

I respond to two requests for discovery rulings, submitted pursuant to my Individual Rule 2E.

By joint letter of April 21, 2008, the parties submit a dispute as to the taking of plaintiff's deposition. Defendants describe a number of refusals by plaintiff to submit to deposition. One reason assigned was defendants' failures to produce documents and answers to interrogatories on schedules, and according to scope, satisfactory to plaintiff. Another reason was plaintiff's concern that the deposition would aid a parallel NASD arbitration between the parties.

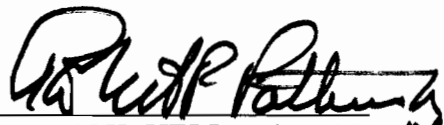
Neither objection has merit. The parties' discovery obligations are independent, not reciprocal, and objections and failures can be presented to the court for rulings. The sparring between the parties will not be tolerated. With regard to the pending arbitration, in the absence of a motion to stay court proceedings, or conduct discovery in aid of arbitration, the parallel NASD proceedings are irrelevant to discovery that is appropriate in this lawsuit.

Accordingly, plaintiff will appear for deposition on the date requested by defendants, April 29, at the time and place scheduled in defendants' notice. If, because of the shortness of time between this order and the deposition date, plaintiff cannot appear for deposition, the alternate date is May 1, 2008, at the same time and place.

The second joint letter, dated April 16, 2008, complains of discovery objections raised by defendants. The issues are complicated, and the balance between relevance and undue hardship is not clear. Accordingly, the parties will appear for oral argument in Courtroom 14D, 500 Pearl Street, on May 1, 2008, at 3:00 pm.

SO ORDERED.

Dated: April 28, 2008  
New York, New York

  
ALVIN K. HELLERSTEIN *red.*  
United States District Judge  
